

Appl. No. 10/033,328

Amdt. Dated 06-16-2005

Response to Office action dated 03-16-2005

**REMARKS**

Claims 1-25 are pending. Claim 9 has been amended. No claims have been cancelled and no new claims have been added.

***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

***Drawings***

Replacement FIGS. 2 and 6 are presented in Appendix B below. Upon review of this matter, it was noticed that in FIG. 2, that the formal drawing version depicts that element 170 includes element 132-2. However, the original and correct version of the drawing depicts element 170 including element 132-2. The formal drawing of FIG. 2 was amended to correct this error and bring the drawing into conformance with the originally filed informal drawing. In addition, we found that in FIG. 6, the text in block 518 had a typographical error. The text in block 518 has been corrected such that the phrase "one or memory slices" was replaced with "one of memory slices."

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### ***Information Disclosure Statement***

An Information Disclosure Statement is enclosed pursuant to 37 CFR 1.97(c). The fee set forth in to 37 CFR § 1.17(p) is enclosed. Consideration of this IDS is respectfully requested.

### ***Specification***

The Examiner objected to and requested correction of the Abstract and the disclosure. The Abstract and two portions of the specification have been amended as set forth herein in response to these objections. As such, this objection has been overcome.

### ***Claim Objections***

The Examiner objected to claim 9 as having a misspelled term. Claim 9 has been amended to overcome this rejection.

### ***Claim Rejections - 35 USC § 112***

The Examiner rejected claim 17 under 35 USC § 112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner stated that the term "user defined control information" was not described in the specification in such away as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

However, claim 17 recites "wherein said frame has a frame format comprising: a type, a route, and user defined control information." As such, a frame format comprises a type, a route and user defined control information. The drawings and specification show unicast frame format 210 and multicast frame format 230 in FIG. 3. This is described in para. 22 of the specification. The specification explicitly states that the unicast frame format 210 includes among other fields, "a user field 218, e.g., a five byte user defined hardware or software control field. (Specification, para. 22) The specification explicitly states that the multicast frame format 230 includes among other fields "a

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user field 238, e.g., a five byte user defined hardware or software control field.” (Specification, para. 22) As such, sufficient support is provided in the specification for the claimed “user control information.” Therefore, this rejection should be withdrawn.

***Claim Rejections - 35 USC § 102***

The Examiner rejected claims 1-7, 8-13, 14-21, 22, 24 and 25 under 35 USC § 102(e) as anticipated by Sindhu (USP 6,493,347). This rejection is respectfully traversed.

As to independent claim 1, claim 1 recites “A method for sending a data item from a source to selected destinations of a plurality of destinations in a switching network” in which the method comprises three steps. The first step states “examining said data item to determine a routing identifier for said data item.” The second step states “using said routing identifier as an index, accessing a data structure comprising routing control values for said plurality of destinations.” And the third step states “concurrently transferring said data item from said source to said selected destinations based on said routing control values.” The Examiner asserts that the entirety of this claim is taught by Sindhu at col. 6, lines 12-30.

However, Sindhu fails to teach the features recited in claim 1. Summarily, claim 1 recites, examining a data item to determine a routing identifier, accessing routing control values in a data structure using the routing identifier, and transferring the data item to selected destination based on the routing control values. Generally, the claim recites sending a single data item to many destinations, where the destinations are based on routing control values which are accessed from a data structure using the routing identifier that is determined from the data item.

The examiner asserts that the claimed routing identifier is taught by “key destination information” and that the data item is taught by a “packet key.” Review of Sindhu shows that the “key contains destination information” (Sindhu, 6:14-15) and that “the key is read from the first data block in the packet.” (Sindhu, 6:13-14) The cited portion of Sindhu states that

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A route look-up engine 110 in controller 106 performs a trie based search based on the key information and returns a result which includes the output multiport associated with the destination. (Sindhu, 6:18-21)

This portion of Sindhu teaches that the output multiport associated with the destination is returned as a result of a search based on "key information." Importantly, a single output multiport is returned. The specification does not teach "one or more multiports" or "the multiports" or "the destinations" – rather, the teaching is apparently limited to a single destination and a single multiport. This may be concluded from the specification's use of the word "the" and the specification's failure to use either the term destination or multiport in their plural form. The cited portion of Sindhu teaches the one to one routing of a packet from a source to a destination. Whereas, in contrast, the claim recites "transferring said data item from said source to said selected destinations." Therefore, claim 1 and all claims dependent on claims 1 are patentable over Sindhu.

As to independent claim 8, to the extent limitations included in claim 8 are included in claim 1, the above argument concerning citation to col. 6 of Sindhu applies.

Importantly, in rejecting claim 8, the argument merges teachings from at least three unrelated and disjointed portions of Sindhu. More specifically, FIGS. 2B, 3A, 3C, 14 and 18 as well as text at cols. 6 and 17 are cited. However, the discussion at cols. 6 and 17 involve different subjects. The cited portion of col. 6 describes some of the functionality of FIG. 2b of a router, while the cited portion of col. 17 describes FIG 14 as "a data structure associated with the notification outputted by the controller 106 to the output switch." (Sindhu, 17:5-6) In addition, FIGS. 2B, 3A, 3C, 14 and 18 are drawings related to different embodiments of the invention some of which are unrelated to the text in cols. 6 and 17. The citations fails to provide a coherent description of those portions of Sindhu that perform the steps recited in claim 8.

In addition, the office action fails to explain where Sindhu teaches "concurrently transferring a reference to said frame to **at least two selected output queue controllers** in accordance with said

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mask” as recited in claim 8 (emphasis added) Moreover, although Sindhu teaches a mask, the mask recited in Sindhu in col. 17 fails to have the same characteristics and functionality recited in claim 8.

As such, Sindhu fails to teach all of the limitations recited in claim 8. Therefore, claim 8 and all claims dependent on claim 8 are patentable over Sindhu.

As to independent claim 14, to the extent limitations included in claim 14 are included in claim 1 and 8, the above arguments concerning claims 1 and 8 apply to claim 14.

Importantly, in rejecting claim 14, as in rejecting claim 8, the argument merges teachings from multiple unrelated and disjointed portions of Sindhu.

In addition, the office action asserts that “a table having plurality of predetermined routes, said table addressed by a destination ID in said frame” is taught by three different locations in Sindhu. Yes, a routing table is taught at col 5, lines 61-62, but there is no mention in the office action of where Sindhu teaches that the routing table has “a plurality of predetermined routes.” The office action merely refers back to a portion of the Summary of the Invention (3:30-34) which includes no mention of the routing table.

Further, the office action asserts that “selected output queue control modules for said plurality of selected output queues, said selected output queue control modules used for copying said data to said plurality of selected output queues” as recited in claim 14 is taught by “Read requests reflect a request for cell data to be transferred from a memory bank 105 to output switch 102 for ultimate transfer to a requesting multi-function multiport 150.” (Sindhu, 12:26-29) However, this portion of Sindhu recites a requesting multi-function multiport. Claim 14 does not recite anything like a multi-function multiport that issues read requests. As such, this citation to Sindhu does not teach what it is cited for.

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As such, the office action fails to show where each of the claimed limitations are taught by Sindhu. Therefore, claim 14 and all claims dependent on claim 14 are patentable over Sindhu.

As to independent claim 22, to the extent limitations included in claim 24 are included in claim 1, 8 and 14, the above arguments concerning claims 1, 8 and 14 apply to claim 22.

As to independent claim 25, to the extent limitations included in claim 24 are included in claim 1, 8 and 14, the above arguments concerning claims 1, 8 and 14 apply to claim 22.

#### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 23 under 35 USC § 103(a) as obvious from Sindhu and Sakamoto *et al.* (USP 6,836,479). This rejection is respectfully traversed.

As set forth above regarding the 35 USC § 102(e) rejection, Sindhu fails to teach all of the elements claimed. Sakamoto fails to cure the deficiencies of Sindhu. As such, claim 23 is patentable over the cited prior art.

#### ***Conclusion***

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy, the additional grounds for patentability are not set forth herein.

In view of all of the above, it is respectfully submitted that the claims are now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

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The Examiner is invited to call the undersigned attorney to answer any questions or to discuss any steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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